



CESTAR COLLEGE, LONGUEUIL CAMPUS

# SEXUAL HARRASSMENT PREVENTION POLICY

Cestar College, Longueuil Campus  
174 Chem. du Coteau-Rouge  
Longueuil, Québec J4J 1W9

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## **PREAMBLE**

On December 8, 2017, the National Assembly adopted the Act to Prevent and Combat Sexual Violence in Higher Education Institutions (hereinafter, the Act). The purpose of this Act is to strengthen actions aimed at preventing and combating sexual violence in higher education institutions and to contribute to promoting a healthy and safe living environment for students and staff members<sup>1</sup>.

Cestar College, Longueuil Campus recognizes that sexual violence is a problem in all areas of society, including educational institutions. The waves of public denunciations of sexual violence (#agressionnondenoncee, #moiaussi) demonstrate this reality.

Sexual violence is not tolerated at the College. Therefore, Cestar College, Longueuil Campus is committed to promoting a culture of consent while fostering a healthy and safe work and study environment that promotes the values of respect and equality between individuals.

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<sup>1</sup> Act to prevent and combat sexual violence in higher education institutions, S.Q. 2017, c. 32, s. 1, para. 1.

## 1. SCOPE

This policy applies to all members of the educational community (students and staff members) and governs the conduct of all members. It also applies to all individuals connected with the College or the educational community, such as contractors, subcontractors, and others.

The Policy to Prevent and Combat Sexual Violence pays particular attention to individuals who are more at risk of experiencing sexual violence, such as those belonging to a minority based on their sexual orientation, gender identity, cultural community, Indigenous community, international students, and persons with disabilities.

This policy applies to educational, professional, and social activities involving members of the College's educational community. It also applies to online interactions between members of the educational community.

## 2. OBJECTIVES

The main objectives of this policy are to:

- Prevent sexual violence against anyone studying or working at Cestar College, Longueuil Campus and anyone doing business with the College in order to create a healthy and safe study and work environment for all.
- Strengthen and develop prevention actions aimed at combating sexual violence.
- Establish the roles and responsibilities of the College's various stakeholders when facing situations involving sexual violence.
- Establish the procedures for handling disclosures, reports, and complaints related to sexual violence.
- Raise awareness, train, and inform staff members and anyone doing business with the College about the prevention and management of sexual violence situations.
- Support managers and designated staff in managing sexual violence situations.
- Ensure that individuals involved in a situation of sexual violence have access to reception, referral, psychosocial support, assistance, and appropriate and effective recourse services.

## 3. GUIDING PRINCIPLES

This policy is based on the following principles:

- Everyone has the right to study or work in a healthy, safe, respectful environment free from any form of sexual violence and to be treated fairly and reasonably.

- Anyone who believes they are a victim of sexual violence has the right to be heard and to receive assistance and support.
- Reports, disclosures, and complaints related to sexual violence are handled diligently, confidentially, and fairly.
- Any person called upon to collaborate as a witness in a situation covered by this policy and who expresses the need will be supported by appropriate resources.
- Everyone has the right to file a complaint.
- Everyone has the right to decline to file a complaint and still receive support.
- Anyone subject to a complaint has the right to protection against unfounded or malicious complaints.
- Situations of sexual violence or violations of this policy may result in administrative or disciplinary measures, which may include:
  - Expulsion from Cestar College, Longueuil Campus for a student
  - Dismissal for a staff member
  - Termination of a business relationship for a third party
- A complaint recognized as malicious or intended to harm another person may lead to sanctions, as may acts of retaliation.

#### **4. CODE OF CONDUCT**

- No manifestation of sexual violence is tolerated at Cestar College, Longueuil Campus
- No intimate relationship (romantic or sexual) between a staff member and a student of the College is tolerated. If such a relationship existed prior to hiring or admission, a declaration must be completed and signed by both parties and submitted to the appropriate authority.
- No form of retaliation against the author of a complaint, report, or disclosure is tolerated by the College.

#### **5. DEFINITIONS**

In this policy, unless the context otherwise requires, the following terms have the following meanings:

##### ***5.1. Abuse of Power or Trust***

In addition to the hierarchical or functional authority conferred upon certain staff members according to their role, the College considers that all employees are in a position of power over the College's students as long as the parties belong to or are affiliated with the community, hence the potential for abuse of power and breach of trust. Given that the nature of the relationship between a staff member and a student does not allow for free consent to a romantic or sexual relationship, this person, as a College employee, could be perceived as being in a position of abuse of power or trust towards the students.

**Important note:** The College considers it the responsibility of the employee to decline any sexual advances from a student, and even to discourage them.

### ***5.2. Actor of the College***

Any person having a connection with the College, such as contractors, subcontractors, etc.

### ***5.3. Sexual Assault***

An act of a sexual nature, with or without physical contact, committed by an individual without the consent of the targeted person or, in certain cases, through emotional manipulation or blackmail. It is an act intended to subject another person to one's own desires through an abuse of power, the use of force or coercion, or under implicit or explicit threat. A sexual assault violates fundamental rights, particularly the physical and psychological integrity and the personal security of the individual.

### ***5.4. Consent***

Explicit, free, and informed agreement of a person to engage in sexual activity. Consent may be withdrawn at any time.

Consent is invalid in the following cases:

- It is given by a third party;
- The person indicates, through their words or behavior, the absence of agreement to the activity;
- The person's consent is obtained through abuse of trust or power;
- After having consented to the activity, the person indicates, through their words or behavior, the absence of agreement to continue the activity;
- The person is unable to express their agreement, particularly because they are intoxicated by drugs or alcohol, or unconscious;
- The agreement is given through the words or behavior of a third party.

For the purposes of this policy, consent is invalid when there is a direct relationship of authority, assistance, or pedagogy between a staff member and a student, or another staff member under their authority.

### ***5.5. Sexual Cyberharassment***

Sexual harassment carried out through information technologies such as social media. Sending comments about physical appearance of a sexual nature, or threats of sexual assault, constitutes sexual cyberharassment.

Furthermore, distributing or threatening to distribute rumors, photographs, or audio or video recordings of moments of sexual intimacy without the person's consent also constitutes sexual cyberharassment.

### ***5.6. Disclosure***

Disclosure consists of a victim revealing an incident of sexual violence.

Disclosure does not necessarily lead to a complaint but automatically initiates the support process through the College's resources.

### ***5.7. Sexual Harassment***

Sexual harassment is included in the definition of psychological harassment. It may therefore consist of vexatious conduct manifested through repeated behaviors, words, writings, actions, or gestures of a sexual nature that are hostile or unwanted, that affect the dignity or the psychological or physical integrity of the person, and that result in a harmful work or study environment for that person.

A single act may also constitute harassment if it produces a lasting harmful effect on the person who experiences it.

#### ***5.7.1. Examples of what may constitute sexual harassment***

- Making inappropriate, sarcastic, contemptuous, denigrating, or degrading remarks, criticisms, teasing, or jokes (verbally or in writing), making gestures or looks (insistent, suggestive, or inappropriate), insinuating, spreading, or fueling rumors;
- Engaging in verbal or physical conduct of a sexual nature that is unwanted, generally repeated, such as:
  - Making inappropriate advances or unpleasant, intrusive, or unwanted propositions;
  - Unwanted physical contact such as touching, pinching, grabbing, or brushing against someone;
  - Soliciting unwanted sexual favors;
  - Making inappropriate sexual comments, remarks about the victim's body or appearance, or jokes that denigrate the victim's sexual identity or sexual orientation;
  - Asking intimate questions;
  - Making lustful looks, particularly directed at the victim's sexual body parts;
  - Whistling;
  - Displaying pornographic photographs.
- Creating, disseminating, distributing, or exchanging photographs or other documents (by email, mail, fax, blog, text messaging, social media sites, websites, etc.) containing information of a sexual nature;
- Assaulting someone (verbal, written, or physical violence);
- Exercising retaliation.

### ***5.8. Sexual Misconduct***

Non-consensual behavior of a sexual nature, including gestures, words, comments, or attitudes that are unwanted.

### ***5.9. Staff Member***

Any person working at Cestar College, Longueuil Campus, as well as any third party working on behalf of Cestar College, Longueuil Campus.

### ***5.10. Administrative Complaint***

An administrative complaint (formal and written) is a formal process initiated by the victim (the complainant) to officially report a situation of sexual violence within an educational institution. It also aims to acknowledge the existence of a situation of sexual misconduct or sexual harassment and to sanction the person involved (the respondent named in the complaint).

### ***5.11. Helping Relationship***

A professional and psychological support relationship with a person experiencing distress and seeking assistance. It includes the relationship established with any professional or third party who provides help, guidance, support, or counseling services.

### ***5.12. Authority Relationship***

A direct or functional relationship that exists between two individuals at different hierarchical levels within the organization. For example, the relationship that exists between a manager and a member of their team.

### ***5.13. Intimate Relationships***

Intimate relationships include both romantic and sexual relationships between two individuals.

### ***5.14. Pedagogical Relationship***

All interactions between teachers and students. The purpose of this relationship is to educate, facilitate learning, and provide instruction.

This definition includes, in particular, relationships between a student and a teacher, as well as with any person contributing to the acquisition of knowledge or skills by a student.

### ***5.15. Retaliation***

Any prejudicial measure taken against a person because they have, in good faith, made a disclosure or report, or collaborated in a verification or investigation conducted because of a disclosure or report.

Threatening a person to prevent them from making a disclosure or report, or from cooperating in a verification or investigation, also constitutes retaliation. <sup>2</sup>

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<sup>2</sup> Definition proposed by the Public Protector within the framework of the Act to Facilitate the Disclosure of Wrongdoing in Public Bodies.

### ***5.16. Report***

The communication by a person of an alleged incident of sexual violence of which they are a victim, a witness, or which has been reported to them. A report does not necessarily lead to the filing of a complain

### ***5.17. Sexual Violence***

Any form of violence committed through sexual practices or targeting sexuality. It includes, in particular, sexual misconduct, sexual harassment, sexual assault, and sexual cyberharassment. This concept also extends to any other misconduct manifested through gestures, words, attitudes, or behaviors of a sexual nature that are unwanted, including those relating to sexual or gender diversity, expressed directly or indirectly, including through technological means.

This definition applies regardless of the age, sex, gender, culture, religion, sexual orientation, or sexual identity of the individuals involved (victim or aggressor) and regardless of the type of sexual act committed, as well as the place or environment in which it occurred, and regardless of the nature of the relationship between the victim and the sexual aggressor.

## **6. POLICY DISSEMINATION**

The College must ensure that this policy is accessible on the College's various platforms. This policy must be provided to students upon admission and to employees upon hiring.

In addition, it is disseminated to the entire community at the beginning of each academic term.

## **7. ROLES AND RESPONSIBILITIES**

### ***7.1. Monitoring Committee***

Cestar College, Longueuil Campus establishes a Monitoring Committee responsible for the development and review of this policy, as well as for ensuring its implementation. The committee is composed of:

- Director of Studies (1)
- Non-teaching staff member (1)
- Teaching staff member appointed by peers (1)
- Student representatives (2)

### ***7.2. Board of Directors***

Adopts the Policy and its updates.

### ***7.3. General Management***

- Approves this policy.
- Ensures the implementation of this policy.
- Encourages, supports, and contributes to a culture of prevention and awareness, as well as to a healthy and safe study and work environment.
- Supports managers in fulfilling their roles and responsibilities related to this policy.
- Carries out the annual ministerial reporting.
- Sends the adopted Policy and any amended versions, where applicable, to the Ministry.
- Provides the resources necessary for the implementation of the Policy.
- Collaborates in the implementation of awareness and prevention measures.
- Is responsible for the application of this policy with respect to staff.
- Participates in the Monitoring Committee for this policy.

### ***7.4. Manager***

- Acts as the person responsible for the implementation of this policy within their sector.
- Acts promptly.
- Is responsible for the Monitoring Committee of this policy.
- Participates in the creation of awareness and prevention tools.
- Acts promptly in addressing any reported situation of sexual violence.
- Takes reasonable measures to prevent and stop any situation of sexual violence.
- Implements the recommendations resulting from any analysis or investigation report related to a situation of sexual violence.
- Intervenes in emergency situations to immediately stop any act of sexual violence.
- Ensures that this policy is provided to students upon admission and to employees upon hiring.

### ***7.5. Facilities Manager***

Ensures that current and future facilities and physical arrangements contribute to the safety of members of the community.

### ***7.6. Members of the Educational Community***

- Read and familiarize themselves with this policy and adopt behavior consistent with it;
- Provide assistance to a victim of sexual violence by contacting management staff who will intervene to immediately stop any act of sexual violence;
- Consult available resources after receiving a disclosure from a member of the community or after witnessing an incident of sexual violence;
- Promptly inform a manager of the existence of an intimate relationship in a context of authority, assistance, or pedagogy so that measures can be taken to end the authority, assistance, or pedagogical relationship.

## **8. PROHIBITIONS**

It is prohibited to:

- Engage in any form of sexual violence toward any student, staff member, or third party;
- Exercise any form of retaliation against the author of a complaint or report related to a situation of sexual violence;
- Maintain an intimate, romantic, or sexual relationship between a staff member who is (or could reasonably be in the future) in a relationship of authority, a helping relationship, or a pedagogical relationship with a student or a staff member.

## **9. PREVENTION, AWARENESS, AND EDUCATIONAL MEASURES TO ADDRESS SEXUAL VIOLENCE**

Appropriate awareness and prevention activities are offered to members of the college community.

### ***9.1. Prevention and Awareness Measures***

Members of the management team develop an annual action plan for awareness and prevention activities.

These activities include campaigns, conferences, online or printed resources, information booths, or workshops. They address a range of topics related to sexual violence, such as the different types of sexual violence, the concept of consent, available support resources, the relationship between alcohol consumption and sexual violence, etc.

### ***9.2. Training***

Members of the management team must include training activities in their annual action plan for students, administrators, and staff members.

### ***9.3. Safety Measures to Address Sexual Violence***

Members of the College's management must take into account, in the performance of their respective mandates, issues related to the safety of members of the community with regard to sexual violence.

### ***9.4. Rules Governing Social or Orientation Activities***

Should social or orientation activities be organized in the future, members of the management team must ensure that this policy is provided to all activity organizers. Management must also ensure that prevention measures consistent with this policy are implemented, including:

- Ensuring that this policy is mentioned in all invitations to activities;
- Ensuring that no game, joke, or activity compromises the physical or psychological integrity of individuals;
- Ensuring that those responsible for organizing activities have been made aware of the prevention of sexual violence and of issues related to alcohol and drug consumption;
- Designating an active bystander who must not consume alcohol or drugs during the activities and who commits to ensuring compliance with this policy.

## **10. PROCEDURES FOR RECEIVING SUPPORT, MAKING A REPORT, OR FILING A COMPLAINT**

Cestar College, Longueuil Campus recognizes that it may be difficult for a victim or a witness of sexual violence to make a report or a disclosure.

### ***10.1. Support Measures***

College staff welcome witnesses and victims who wish to receive support from specialized resources in this area.

### ***10.2. Measures to Ensure the Confidentiality of Complaints, Reports, and Information.***

The actions taken by a witness or a victim must remain confidential and anonymous. The information provided in such situations must comply with the confidentiality requirements recognized in this context.

However, certain situations require the disclosure of information:

- If the person is a minor: a report must be made to the Director of Youth Protection;
- If there is reason to believe that an act of violence, including suicide or homicide, may be committed;
- If a complaint is filed, confidentiality is lifted with respect to the person named in the complaint.

### ***10.3. Submission of a Report, Disclosure, or Complaint***

Any person wishing to make a report, a disclosure, or an administrative complaint regarding a member of the college community must do so through a member of the College staff. The person may, at any time, be accompanied by a person of their choice. The filing of a complaint does not replace the legal process that the victim may undertake. College staff may accompany the victim when filing a complaint with the police.

Staff members ensure that they provide listening support and psychosocial assistance to the individuals they meet and guide them toward appropriate external resources. They also ensure that support measures are put in place for individuals who express such a need, such as follow-up meetings or referrals to specialized services.

They may also propose accommodation measures that take into account the needs of the individuals concerned. The purpose of accommodation measures is to reduce the impact on the academic, professional, and personal life of the victim or witness of the act of violence.

The timeframe for implementing accommodation measures must not exceed seven (7) days. Once the accommodation measures are confirmed, the information is communicated by the relevant departments to the individuals involved in the situation and in the implementation of the measures. At any time during the process, the victim may request that the measures concerning them be maintained, modified, or cancelled.

#### ***10.4. Handling of a Complaint***

If, following a report, a complaint is filed, an administrative investigation will then be initiated in accordance with the procedures set out in the Policy to Address All Forms of Harassment and Violence. Complaints received must be processed within 90 calendar days.

Throughout the investigation process, the College ensures that the complainant receives the support they need. It also verifies, throughout the process, whether the complainant wishes to continue or discontinue their complaint.

However, it should be noted that, notwithstanding the complainant's decision to withdraw from the process, the College reserves the right to continue the actions undertaken if it considers that it is its responsibility to do so in order to protect its environment.

Once the investigation is completed, the conclusions are communicated to the parties involved by the administration.

#### ***10.5. Applicable Sanctions***

In light of the conclusions of the investigation report, the College administration determines the sanction to be applied. The nature, seriousness, and repetitive character of the acts in question will be considered when determining the sanction.

Within the framework of contractual relationships with third parties, management must include in all contracts a termination or penalty clause (for example: a prohibition of access).

As sanctions are confidential in nature, they are not disclosed to the person who filed the complaint.

### ***10.6. Malicious Complaints***

False statements and complaints that are unfounded or made in bad faith will not be tolerated, and administrative or disciplinary measures as well as sanctions may be applied.

### ***10.7. Measures to Protect Against Retaliation***

Cestar College, Longueuil Campus undertakes to implement the necessary measures to protect individuals who make a report or file a complaint, as well as the persons concerned, from retaliation within the environment before, during, or after the processing process. For the purposes of this policy, threats of retaliation are also considered retaliation.

Retaliation may take many forms, and none of them are tolerated. Such actions are considered a serious breach of this policy, and their author will be sanctioned in accordance with this policy.

## **11. OTHER REMEDIES**

The application of this policy does not remove any right of the persons involved to pursue legal remedies. The use of another remedy does not interrupt the complaint handling process.

Cestar College, Longueuil Campus recognizes the right of any complainant to withdraw their complaint at any stage of its processing. However, Cestar College, Longueuil Campus may continue the handling of the situation despite the withdrawal of the complainant if it has reasonable grounds to believe that a potential situation may compromise the safety of individuals. This is done with the aim of providing an environment free from sexual violence and promoting the protection of the dignity and the physical and psychological integrity of individuals.

## **12. ACCOUNTABILITY MECHANISM**

In accordance with the Act, the College reports on the implementation of this policy in its annual report or in any other document determined by the Ministry.

This reporting must include the following elements:

- The prevention and awareness measures implemented, including training activities offered to students;
- Training activities completed by staff members;
- The safety measures implemented;
- The number of complaints and reports received, as well as their processing timelines;
- The interventions carried out and the nature of the sanctions applied;
- The consultation process used during the development or modification of this policy.

## **13. ENTRY INTO FORCE AND REVIEW**

### ***13.1 Entry into force***

This policy comes into force on July 1, 2022.

### ***13.2 Review mechanism***

This policy must be reviewed every five (5) years. The revised version must be submitted to the Ministry of Higher Education.